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10/537,948	01/20/2006	Claus Pedersen	855.0010.U1(US)	6878

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EXAMINER	
ZEWARI, SAYED T	
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2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,948	PEDERSEN ET AL.	
	Examiner	Art Unit	
	SAYED T. ZEWARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The previous office action dated 1/08/2008 is vacated because the preliminary amendment was inadvertently not addressed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 9-11, 14-15, 17-18, 20-23, 25-26, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Apfel (US 6,973,299).

With respect to claim 1, Apfel discloses a mobile device **(See Apfel's figure 2(260), figure 3, col.5 lines 5-7)**, for initiating the transfer of a personal collection of data and/or settings to/from a remote server **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**, comprising:

An inherent transceiver means **(See Apfel's figure 2 & 3 where mobile terminal is shown. A transceiver is an integral part of a mobile terminal)** arranged to transmit an initiation message to the server for initiating the setting - up of a session between the server and the device, by the server, for the transfer of a personal collection of data and/or settings between the device and the server **(See Apfel's abstract, col.1 lines**

12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11).

With respect to claim 15, Apfel discloses a mobile device **(See Apfel's figure 2(260), figure 3, col.5 lines 5-7)**, arranged to transfer first portions of the personal collection of data and/or settings by copying; and to transfer second portions of the personal collection of data by moving **(See Apfel's figure 4, col.9 lines 29-39 where the act of updating is inherently include copying or transferring).**

With respect to claim 17, Apfel discloses a server for transferring a user's collection of personal data and/or settings to/from a remote device **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**, comprising: inherent transceiver means for communicating with a remote device identified in a received initiation message, to set-up a session between the server and the identified device for the transfer of a personal collection of data and/or settings between the device and the server **(See Apfel's figure 2 where the server 210 is shown. A transceiver is an integral part of a communication system which includes both server and a mobile terminal).**

With respect to claim 26, Apfel discloses a system comprising: a first mobile device **(See Apfel's figure 2(260A), figure 3, col.5 lines 5-7)**, for initiating the transfer of a personal collection of data and/or settings from the first mobile device to a remote server **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**, comprising first transceiver means **(See Apfel's figure 2(260A) & 3 where mobile terminal is shown. A transceiver is an integral part of a mobile terminal)**

arranged to transmit an initiation message to the server for initiating the setting-up of a session between the server and the fast mobile device, by the server, for the transfer of a personal collection of data and/or settings between the device and the server **(See Apfel's abstract, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)** ; a server for setting up sessions and storing collections of data and/or settings **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**; and a second mobile device **(See Apfel's figure 2(260A), figure 3, col.5 lines 5-7)**, for initiating transfer of a personal collection of data and/or settings from a storage location in the server to the second mobile device **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**, comprising first transceiver means arranged to transmit an initiation message t o the server for initiating the setting-up o f a session between the server and the first mobile device, by the server, for the transfer of the collection of personal data and/or settings between the device and the server **(See Apfel's abstract, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11).**

With respect to claim 30, Apfel discloses a method of personalizing a second device **(See Apfel's figure 2(260), figure 3, col.5 lines 5-7)** comprising the steps of: uploading a personal collection of data and settings from a first device to a server for storage **(See Apfel's figure 4, col.9 lines 29-39)**; and downloading a stored personal collection of data and settings from the server to a second device **(See Apfel's figure 4, col.9 lines 29-39).**

With respect to claim 27, Apfel discloses a data structure organized as a hierarchical management tree comprising a user management object defining a personal collection of data and/or settings, wherein the management object is a hierarchical free structure comprising leaf nodes, defining in combination the personal collection of data and/or settings, and interior nodes, wherein each interior node and each leaf node depends from a single interior node and each leaf node has a value representing a portion of the personal collection of data and or settings **(See Apfel's abstract, col.3 lines 14-16, lines 9-30).**

With respect to claim 2, Apfel discloses a mobile device further comprising: an inherent memory for storing data structure organized as a hierarchical management tree comprising a user management object defining the personal collection of data and/or setting **(See Apfel's figure 2(260) and figure 3, col.5 lines 4-11 where a memory is an integral part of the mobile device)**, wherein the management object is a hierarchical tree structure comprising leaf nodes, defining in combination the personal collection of data and/or settings, and interior nodes, wherein each interior node and each leaf node depends from a single interior node and each leaf node has a value representing a portion of the personal collection of data and or settings; and control means for adapting the structure and content of the user management object **(See Apfel's abstract, col.3 lines 14-16, lines 9-30).**

With respect to claim 3, Apfel discloses a mobile device **(See Apfel's figure 2(260), figure 3, col.5 lines 5-7)** wherein the personal collection of data and/or settings

is transferred or copied as a description of the user management object or a portion of the user management object moving **(See Apfel's figure 4, col.9 lines 29-39 where the act of updating is inherently include copying or transferring).**

With respect to claim 4, Apfel discloses a mobile device arranged to create a hierarchical menu structure from the user management object by which a user can navigate to selectable options **(See Apfel's abstract, col.3 lines 14-16, lines 9-30, figure 3).**

With respect to claim 5, Apfel discloses a mobile device wherein the initiation message is an upload initiation message for initiating the setting-up of a session between the server and the device, by the server, for the transfer of a personal collection of data and/or settings from the device to the server, the upload initiation message comprising a parameter identifying the data to be uploaded and a parameter identifying the user **(See Apfel's abstract, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11).**

With respect to claim 9, Apfel discloses a mobile device further comprising an inherent memory **(See Apfel's figure 3 where every mobile phone has a memory as an essential component)** for storing a data structure organized as a hierarchical management tree comprising a user management object defining the personal collection of data and/or settings, wherein the management object is a hierarchical tree structure comprising leaf nodes, defining in combination the personal collection of data and/or settings, and interior nodes, wherein each interior node and each leaf node depends from a single interior node and each leaf node has a value representing a portion of the personal collection of data and or settings **(See Apfel's abstract, col.3 lines 14-16, lines 9-30)**; and control means for adapting the structure and content of the user management object **(See Apfel's abstract, col.3 lines 14-16, lines 9-30)**, arranged to create a hierarchical menu structure from the user management object by which a user can navigate to selectable options **(See Apfel's abstract, col.3 lines 14-16, lines 9-30, figure 3)**, wherein the initiation message is an upload initiation message for initiating the setting-up of a session between the server and the device, by the server, for the transfer of a personal collection of data and/or settings from the device to the server **(See Apfel's figure 2 where the server 210 is shown. A transceiver is an integral part of a communication system which includes both server and a mobile terminal)**, the upload initiation message comprising a parameter identifying the data to be uploaded and a parameter identifying the user **(See Apfel's abstract, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**, wherein the parameter identifying the data to be uploaded identifies a

node of a data structure organized as a hierarchical nodular tree structure **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**, and wherein the menu enables the user selection of the identified node **(See Apfel's abstract, col.3 lines 14-16, lines 9-30, figure 3).**

With respect to claim 10, Apfel discloses a mobile device wherein the parameter identifying the user is provided automatically, without user intervention, by the device **(See Apfel's abstract, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11).**

With respect to claim 11, Apfel discloses a mobile device wherein the initiation message is a download initiation message for initiating the setting-up of a session between the server and the device, by the server, for the transfer of a personal collection of data and/or settings from, the server to the device, the upload initiation message comprising a parameter identifying the user **(See Apfel's abstract, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11).**

With respect to claim 14, Apfel discloses a mobile device wherein the parameter identifying the user is provided automatically, without user intervention, by the device user **(See Apfel's abstract, col. 6 lines 20-24, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11).**

With respect to claim 18, Apfel discloses a server **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)** comprising an inherent memory storing a database, wherein the server is responsive t o a received initiation

message identifying data t o be uploaded and t he user of t he device, to create a record in the database for the identified user **(See Apfel's figure 2(260 and 210) and figure 3, col.5 lines 4-11 where a memory is an integral part of the mobile device and server).**

With respect to claim 20, Apfel discloses a server wherein the server issues a command to the device, during the session between the server and the device, identifying the data to be uploaded **(See Apfel's abstract, col.1 lines 12-16, see additional info figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11).**

With respect to claim 21, Apfel discloses a server wherein the command identifies a node of a data structure organized as a hierarchical modular tree structure **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**.

With respect to claim 22, Apfel discloses a server wherein the created database record stores a description of a hierarchical nodular tree structure that includes the user's personal collection of data and/or settings, received from the device during the session **See Apfel's figure 2(260 and 210) and figure 3, col.5 lines 4-11 where a memory is an integral part of the mobile device and server).**

With respect to claim 23, Apfel discloses a server comprising an inherent memory storing a database, wherein the server is responsive to a received download initiation message, identifying the user of the device, to access a record in the database

for the identified user **(See Apfel's figure 2(260 and 210) and figure 3, col.5 lines 4-11 where a memory is an integral part of the mobile device and server).**

With respect to claim 25, Apfel discloses a server wherein the accessed record stores a description of a hierarchical nodular tree structure that includes that user's personal collection of data and/or settings and the server is arranged to transfer the description to the device during the session **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**.

With respect to claim 28, Apfel discloses a data structure further comprising a root node wherein the user management object depends from the root node and a plurality of other management objects depend from the root node **(See Apfel's figure 2(210 server), figure 2(260 mobile), figure 2(240) col.5 lines 4-11)**.

With respect to claim 29, Apfel discloses a data structure to create a hierarchical menu structure representing the user's personal collection of data and/or settings **(See Apfel's abstract, col.3 lines 14-16, lines 9-30, figure 3).**

4. Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Hymel (6,216,015).

With respect to claim 16, Hymel discloses a mobile device **(See Hymel's abstract, figure 2, col.2 lines 52-54)** arranged to receive a smart card **(See Hymel's**

figure 2(44) col.3 lines 25-27, wherein the device comprises detection means for detecting when the received smart card is changed **(See Hymel's figure2(46), figure 5 (step 80), col.4 lines 62-64**, and control means, responsive to the detection of the change of a smart card by the detection means, to control the transceiver means to transmit an initiation message to the server.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 6-8, 12-13, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apfel (US 6,973,299) in view of well-known prior art (MPEP 2144.03).

With respect to claim 6, Apfel discloses a mobile device. Apfel does not specifically disclose that the upload initiation message further comprises a parameter identifying a PIN code. However, an official notice is taken that the concept and use of a identifying a PIN code are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to include a parameter identifying a PIN code.

With respect to claim 7, Apfel discloses a mobile device further comprising a user input for entry of the PIN code **(See Apfel's figure 3, col.5 lines 4-11 where the keypad is used for entry of PIN code).**

With respect to claim 8, Apfel discloses a mobile device. Apfel does not specifically disclose a parameter identifying the data to be uploaded identifies a node of a data structure organized as a hierarchical modular tree structure. However, an official notice is taken that the concept and use of identifying data to be uploaded and node of data are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to include a parameter identifying a data and node of data.

With respect to claim 12, Apfel discloses a mobile device and a server. Apfel does not specifically disclose a parameter identifying a PIN code. However, an official notice is taken that the concept and use of a identifying a PIN code are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to include a parameter identifying a PIN code.

With respect to claim 13, Apfel discloses a mobile device further comprising a user input for entry of the PIN code **(See Apfel's figure 3, col.5 lines 4-11 where the keypad is used for entry of PIN code).**

With respect to claim 19, Apfel discloses a mobile device and a server. Apfel does not specifically disclose a parameter identifying a PIN code. However, an official notice is taken that the concept and use of a identifying a PIN code are well known and

expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to secure records using a PIN code.

With respect to claim 24, Apfel discloses a mobile device and a server. Apfel does not specifically disclose a parameter identifying a PIN code. However, an official notice is taken that the concept and use of a identifying a PIN code are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to make the access to the record conditional upon a PIN code included in the download initiation message.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Leppinen et al. U. S. Patent No. 6985719 discloses a secure wireless backup mechanism.

9. Piikivi U. S. Patent No. 7076328 discloses an automatic arrangement, mobile terminal connected therewith, and method of transferring operation data of automatic apparatus

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAYED T. ZEWARI whose telephone number is (571)272-6851. The examiner can normally be reached on 8:30-4:30.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/
Examiner, Art Unit 2617

June 27, 2008

/Nick Corsaro/
Supervisory Patent Examiner, Art Unit 2617